IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE SEVENTEENTH DAY OF MAY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11271 of 2005

Between:

Sytham Rambabu, S/o. chinna Rao,
R/o. Kandarada village, Pthapuram Mandal, East Godavari District.

..... PETITIONER

AND

1 Mandal Revenue Officer, Pithapuram.
2 Joint collector, East Godavari District at Kakinada.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ of Mandamus declaring the action of the respondent No.1 in seizing the stocks from Fair Price Shop No. 27, Kandarada village, Pithapuram Mandal, East Godavari District on 12-5-2005 without issuing any notice to petitioner as illegal, arbitrary and violative of Art. 19 & 300A of the Constitution of India and principles of natural justice and consequently direct the respondents to release the said stocks to the petitioner and permit the petitioner to distribute the same and pass such other order or

orders as this Hon'ble court may deem fit in the circumstances of the case.

Counsel for the Petitioner:MR.M.S.RAMCHANDRA RAO

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES.

The Court at the stage of admission made the following :

O R D E R

This writ petition is filed to declare the action of the respondent no.1 in seizing the stocks from the fair price shop of the petitioner on

12.5.2005 without issuing any notice, as illegal and arbitrary and consequently direct the respondents to release the stocks and permit the petitioner to distribute the same.

2 . The learned counsel for the petitioner submitted that without following the principles of natural justice, the order is passed seizing the stocks of the petitioner.

3 . On the other hand, the learned Government Pleader for Civil Supplies contended that under Clause 16 of A. P. State Public Distribution System Control Order, 2001 the respondents can seize the stocks without issuing any notice.

4 . The learned counsel for the petitioner contended that the impugned order dated 12.5.2005 is a confiscation order. This court is unable to accept the said contention, because as seen from the impugned order, it is only entrustment of stocks to the nearby dealer and, therefore, it cannot be said to be confiscation of stocks and the appropriate decision has to be taken by the Joint Collector in accordance with law. As a matter of fact, the petitioner has already made a representation dated 16.5.2005 to the Joint Collector, East Godavari at Kakinada for release of stocks. Therefore, without entering into the merits of the case, the writ petition is disposed of directing the Joint Collector, Kakinada to take appropriate decision for release of the stocks, within a period of four weeks from the date of receipt of a copy of this order. No costs.

AVS ----------

17.05.2005

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 Mandal Revenue Officer, Pithapuram.
2 Joint collector, East Godavari District at Kakinada.

3. 2 CCs to G.P. for Civil Supplies, A.P. High Court Building (OUT).

4) 2 CD copies

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